

DECLARATION, POWER OF ATTORNEY AND PETITION

10055673-012202

We, Peter Pal VARGA, M.D. and James A. OGILVIE, M.D., declare: that we are citizens of Hungary and the United States of America, respectively; that our residences and post office addresses are 1126 Budapest, Kiralyhago utca 1-3, Hungary, and 717 Coventry Lane, Edina, Minnesota 55435, respectively; that we verily believe we are the original, first, and joint inventors of the subject matter of the invention or discovery entitled INTERVERTEBRAL SPACER, for which a patent is sought and which is described and claimed in the specification filed on June 12, 2000, and having an application serial no. 09/592,072; that we have reviewed and understand the contents of the above-identified specification, including the claims; and that we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys and/or patent agents, Grant R. Clayton, Registration No. 32,462, Alan J. Howarth, Registration No. 36,553, Karl R. Cannon, Registration No. 36,468, and Bretton L. Crockett, Registration No. 44,632, all with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all future correspondence in connection with this application to:

Customer No. 20,449

Please direct all telephonic and facsimile communications to:

Karl R. Cannon
Telephone: (801)255-5335
Facsimile: (801) 256-2043

Please reference the below provided attorney docket number in all communications:

T9376

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at Budapest, Hungary, this
(City) (Country)

11th day of December, 2000.

INVENTOR:

Peter Pal Varga
Peter Pal VARGA, M.D.

10055673.012202

Signed at Minneapolis, MN, this
(City) (State)

29 day of July, 2000.

INVENTOR:

James W. Ogilvie
James A. OGILVIE, M.D.

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Attorney Docket No. T9376.DIV1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: PETER PAL VARGA et al.)
)
 TITLE: INTERVERTEBRAL SPACING)
 IMPLANT SYSTEM)
)
 SERIAL NO.: _____)
)
 FILED: January 22, 2002)
)
 EXAMINER: _____)
)
 ART UNIT: _____)
)

CERTIFICATE UNDER 37
 C.F.R. § 3.73(b) TO
 ESTABLISH RIGHT OF
 ASSIGNEE TO TAKE ACTION

J1050 U.S. PTO
 10/055673
 01/22/02

Commissioner for Patents
 Washington, D.C. 20231

Sir:

In order to establish its right to take action before the Office in the above-captioned matter, Ortho Development Corporation certifies that it is the assignee of the entire right, title and interest in the patent application identified above and attached hereto by virtue of either:

- A. [X] An assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel

CERTIFICATE OF EXPRESS MAILING

DATE OF MAILING January 22, 2002 EXPRESS MAIL LABEL NO: ET243162730US
 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is addressed to: Box Patent Application, Commissioner for Patents, Washington D.C. 20231

Karl R. Cannon
 Karl R. Cannon
 Attorney Registration No. 36,468
 Attorney for Applicant

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_____, Frame _____, or for which a copy thereof is attached.

B. [] A chain of title from the
[inventor(s)/applicant(s)] of the
[patent/trademark application] identified
above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the Patent and
Trademark Office at Reel _____, Frame _____, or for
which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the Patent and
Trademark Office at Reel _____, Frame _____, or for
which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the Patent and
Trademark Office at Reel _____, Frame _____, or for
which a copy thereof is attached.

C. [X] Copies of assignments or other documents in the
chain of title are attached.

The undersigned (whose title is supplied below) is empowered
to sign this certificate on behalf of the assignee.

I hereby authorize the attorneys of Clayton, Howarth & Cannon,
P.C., to insert said serial number when known.

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I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 22 day of JANUARY, 2002.

Ortho Development Corporation

By Bt Bartholomew
Brent Bartholomew
Vice President & CFO

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